



*Left of time
3 years
14*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michel H. Klein
Appl'n. No. : 09/479,240
Filed : January 7, 2000
Title : CHIMERIC IMMUNOGENS
Grp./A.U. : 1645
Examiner : Albert Mark Navarro
Docket No. : 1038-1000 MIS:jb
Date : March 7, 2003

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BY COURIER

The Commissioner of Patents
and Trademarks,
Box AF
Washington, D.C. 20231,
U.S.A.

Sir:

This Communication is submitted in response to the Final Action of September 9, 2002.

Request is hereby made under the provisions of 37 CFR 1.136(a) for an extension of three months of the period for response to the Office Action. Our cheque in respect of the prescribed fee is enclosed.

Claims 59, 61 to 70 and 72 to 74 are pending in this application and are in an allowable form, there being no outstanding rejection thereof.

In the Final Action, the Examiner maintained objection to the Amendment filed January 7, 2000 on the basis that the Amendment introduced new matter contrary to 35 USC 132. Reconsideration is requested.

The changes sought to be made to the drawings are by way of correction of clerical errors in Figure 5. Figure 5 depicts the nucleotide (SEQ ID NO:5) and amino acid (SEQ ID NO:6) sequences of the RSV F gene and RSV F protein respectively. One of the corrections made to this Figure is to correct

nucleotides at position 540. These specific corrections do not alter the encoded amino acid. The other of the corrections is at position 630. This correction results in a codon which no longer codes for ARG but rather for GLN and hence the correction to the amino acid sequence.

Corrections of errors in specifications are permitted and do not constitute new matter.

As previously pointed out, this application is a continuation of application number 08/467,960 filed June 6, 1995 which is a division of application number 08/001,554 filed January 6, 1993. The latter application claims priority from GB 9200117.1. A certified copy of the GB filing was filed in Application No. 08/001,554. A copy of the GB application was filed with the Amendment of August 21, 2002.

Figure 5 of the priority GB application shows the nucleotide and derived amino acid sequence for the RSV F gene and the RSV F protein. These sequences are in the form sought to be corrected herein. The presence of the correct sequence in GB application is prima facie evidence of the existence of clerical errors in Figure 5, arising from transcribing Figure 5 from the priority GB application to Figure 5 of Application No 08/001,554. Since priority is claimed under 35 USC 119 from the GB application, its contents are incorporated into the specification.

Further evidence of the existence of clerical errors in Figure 5 is provided by applicants GenBank submission of the sequence of the RSV F gene in September 1993. This GenBank submission also contains the correct sequence consistent with Figure 5 of the GB application.

It is submitted that the GB application and the GenBank submission provide clear evidence of clerical errors in Figure 5 which should be corrected to ensure the accuracy of the specification. No new matter is involved, since Figure 5, as corrected, now correctly depicts what it is stated in the specification to depict,

namely the nucleotide and derived amino acid sequences of the RSV F gene and RSV F protein.

Accordingly, the objection to the Amendment filed January 7, 2000 under 35 USC 132, should be withdrawn and the application proceed to allowance.

Respectfully submitted,



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